

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CHARLES ROBINSON,

Plaintiff,

v.

KYLE BARTLOW, MARIAH GENTRY, JOEYBRA
LLC, AND DOES 1-5, INCLUSIVE,

Defendants.

CASE NO. 3:12-cv-00024

ORDER

JUDGE NORMAN K. MOON

The docket in this matter has remained inactive since May 8, 2013, when the Court disposed of Plaintiff Charles Robinson's motion for reconsideration. The Court has not heard from the parties since that date. Rule 41(b) of the Federal Rules of Civil Procedure provides that an action may be dismissed "[i]f the plaintiff fails to prosecute" "A district court may dismiss an action for lack of prosecution, either upon motion by a defendant pursuant to [Rule] 41(b) or on its own motion." *McCargo v. Hedrick*, 545 F.2d 393, 396 (4th Cir. 1976). In addition to the authorization provided by Rule 41(b), a district court retains an "inherent power" to dismiss for failure to prosecute. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

Accordingly, it is hereby ordered that this case shall be and hereby is **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to prosecute. The Clerk of the Court is directed to send a certified copy of this order to all counsel of record.

Entered this 27th day of March, 2014.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE